

Re: House Bill 5679

Dear Chairman Filler and members of the Judiciary Committee:

I appreciate the opportunity to weigh in on House Bill 5679 and offer my personal written testimony. I am an offender convicted back in 1992, before there was even a registry. The registry was not part of my sentence, nor advised I was going to even be on one. I was recommended probation to 2yr sentence. I did 4 yrs. Evaluation and assessment put me at a level one, lowest level of security or threat. And was put on a registry half way through my sentence.

I was placed on registering for 15 yrs, then moved to 25 yrs. Both have come and gone and yet still required to register.

With the enactment of laws in 2006 and 2011, I found myself now registering for life and moved from a low level to high risk without any form of evaluation or assessment. This is wrong to keep punishing someone without proving they are actually a risk.

I have been married now for 20 yrs, have completed a Bachelor of Science Degree with a 3.80 GPA. And I find I can not use it for professional work because the registry hangs over me. I have been a model citizen, have not even received so much a parking ticket since release in 1996.

I pay my taxes, pay my bills and maintain good credit and good standing. I'm disabled from an auto accident, and to be blunt and excuse my phrase of speech, the accident severed my privates. A nerve per se. So I asked why am I a risk and required to register for life placing a burden on tax payers? And why does a senior citizen (me) have to register for nearly 30 yrs so far when I was never subjected to be on there in the first place?

I have particular concerns with SORA's overall lack of individualized assessment of risk, its geographic exclusion zones, the tiers, and its onerous in-person reporting requirements. Imposition of SORA on individuals who had committed offenses prior to July 1, 2011, was an Ex Post Facto Clause violation, *Does #1-5 v Snyder*, 834 F3d 696 (CA 6, 2016). The bill does not sufficiently address concerns of the federal court in these key areas and others. The tiers were part of what drove the Sixth Circuit to conclude that SORA is an unconstitutional Ex Post Facto violation.

This bill seems to me to have complicated, rather than simplified, SORA. The length of registration ***should be based on risk of reoffending and should be supported by evidence and research on recidivism***. (Nessel amicus at pp 29–40.) The current SORA uses the offense of conviction as the only factor in determining whether an individual has to register and, if so, the length of the registration. The Sixth Circuit criticized SORA on this very point, noting that it “ascribes and publishes tier classifications corresponding to the state’s estimation of present dangerousness without providing for any individualized assessment.” *Does #1-5*, 834 F3d at 703.

HB 5679 affords a registrant no path to get off the registry or the passage of a specified number of years with no new sex offense.

Thank you for your careful considerations and reading my testimony.

Michael McCurdy